

Alabama Board of Physical Therapy

Newsletter

BOARD MEMBERS

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Amy Hall Smith Cullman, AL Member	PTA
Sonja K. Enfinger Huntsville, AL Member	PT
Andy Gustafson Prattville, AL Member	PT

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THE CALL

The State of Alabama Board of Physical Therapy will be accepting board nominations at the Alabama Physical Therapy Association's Spring Conference in May. In recent years, interest in serving on the Board has dwindled. This resulted in the Governor requesting a special election to fulfill the minimum number of candidates required for consideration during the 2006 nomination period. The Board hopes that the number of interested participants will be far greater this year than in the recent past. Board members are appointed for five year terms which typically involve once a month meetings and occasional out-of-state travel to remain current on rules, regulations and laws pertaining to our profession. Appointed nominees will serve to protect the interest of the public and licensees in the State of Alabama.

I've had the pleasure of serving with some of the most dedicated and knowledgeable professionals in our state. The direct result of collaborative efforts of the Board have allowed us to successfully establish on-line license renewals, CEU carry-overs, a jurisprudence examination for new licensees, maintain a mutually rewarding relationship with the State and National Physical Therapy Associations, as well as, address direct access and referral conflict concerns. These are just a few of the noteworthy and important issues that our Board has dealt with recently.

Though at times taxing, the Board member role can prove to be one of the most rewarding, educational and meaningful experiences of a physical therapist's or physical therapist assistant's career. I've gotten to know and appreciate some of the most dedicated, honest, and skilled physical therapy professionals in the world.

A challenge to the honesty of our licensees' claims that they had not worked with an expired license during the 2005 renewal period, resulted in an audit which revealed that 100% of the respondents were truthful in admitting that they either practiced or had not practiced without a license during the compliance period. This ironically came as a surprise to the individual challenging the validity of the statements; however, the board considered it a shining example of the caliber of professionals practicing physical therapy in our state.

I sincerely hope that as many professionals as possible will consider serving on the State of Alabama Board of Physical Therapy to protect our health care consumers, our licensees and our profession.

Wiley J. Christian III – Board Chair





ON LINE RENEWALS: A BIG SUCCESS

Thank you for your overwhelming response to on-line renewals the first year! Currently, there are 3,147 licensees on our roster; and approximately 79% renewed online in 2006. We hope it was as successful for you as it was for the board office. We're working to streamline the continuing education pages to make the process even easier for 2007. Remember to complete your continuing education now from our pre-approved list of courses to improve the process even more for August – September 2007.



JURISPRUDENCE STATS

The State of Alabama Board of Physical Therapy is pleased with results of the Jurisprudence Examination implemented in February 2006. Since its inception, 95% or 99 of the 104 new graduates taking the examination have had a passing score. Questions on the examination are derived directly from the State of Alabama Board of Physical Therapy Administrative Code and Code of Alabama Practice Act, which may be found on the website www.pt.alabama.gov, along with the handbook provided for the examinees. Currently the examination is only available for new graduates; however, plans to pursue a statute change to make it available for candidates by endorsement have been discussed. The Board is also considering use of the Jurisprudence Examination as a competency measurement and is planning to present a Jurisprudence continuing education course at the Alabama Physical Therapy Association Spring Conference.

Wiley J. Christian III – Board Chair

KUDOS TO ALABAMA PTs AND PTAs

The Board office staff is of the opinion that we have some of the finest Physical Therapists and Physical Therapist Assistants anywhere in the world. We think you do a wonderful job in the profession that you have chosen. If you need our assistance in any matter, please do not hesitate to contact us. We are here to serve you.

Sheila Wright
Administrative Assistant III



*What will
be the
verdict?*

REFERRAL CONFLICT OF INTEREST RULE



In March of 2004 the Attorney General's office of the State of South Carolina issued an opinion stating that specific language included in the South Carolina Physical Therapy Practice Act did indeed prohibit physical therapists in that state from working for physicians and that the Board of Physical Therapy could start enforcing that prohibition. The relevant language in the South Carolina statute was very similar, although not identical, to language in the Alabama Physical Therapy Administrative Code. This opinion by the South Carolina Attorney General's office received national circulation and the Alabama Board of Physical Therapy began receiving complaints from our licensees that physician owned physical therapy clinics were prevalent in Alabama and that the Alabama Board should begin prohibiting licensees in this state from working for physicians.

At the June 2004 Board Meeting, the issue was taken up. It was subsequently decided unanimously by the Board that physician self referral of Physical Therapy services constituted an unnecessary conflict of interest that had been shown to have harmful effects on the public. It was therefore determined that licensees' participation in such self referral arrangements constituted "conduct detrimental to the best interest of the public". Upon consultation with legal counsel, it was determined that no existing rule in the Alabama Physical Therapy Administrative Code specifically prohibited this conduct. But because Section 34-24-217(7) of the Practice Act required the Board to, "suspend or revoke the license of any person who has...been guilty of...conduct detrimental to the best interest of the public", sufficient statutory authority existed to craft such a rule. The Board then surveyed other states that had language addressing and restricting physician self referral and began crafting an appropriate rule. The Board worked closely with the Federation of State Boards of Physical Therapy, the Alabama Physical Therapy Association, and the American Physical Therapy Association in crafting the rule.

In October of 2005 the Alabama Board of Physical Therapy submitted a request for an Attorney General's opinion as to whether the Board's proposed rule was within their statutory authority. No reply came. Finally, firmly believing the public was being subjected to harm by physical therapy licensees' participation in physician self referral arrangements, the Board published its intended action to modify Rule 700-X-3-.02 in the Administrative Monthly as required by the Administrative Procedures Act. In addition, the Board sent a letter with a copy of the proposed rule to all licensees. A comment period then ensued and two open hearings were conducted where individuals in favor of and opposed to the rule were given the opportunity to voice their opinion to the Board.

After thoughtful consideration of all comments received, the Board voted unanimously at its September 2006 meeting to file the proposed rule for certification with the Legislative Reference Service. After a proposed rule is filed for certification, any person can request a hearing of the Legislative Council where the members of this council can vote in favor of, or against the rule. If no hearing is requested or held, the rule is certified and becomes effective 35 days after it is filed. The opponents of the rule did request this hearing and it was held on November 1st. The Board of Physical Therapy worked closely with supporters of the rule to meet with and educate Legislative Council members on this issue, but it is estimated that nearly a half million dollars was spent by opponents engaging lobbyists to defeat the rule. These opponents primarily consisted of physician groups engaged in self referral of physical therapy services and the rule was voted down by the Legislative Council.

The actions of the Legislative Council must be approved by the full Legislature when it reconvenes on March 6th, so the Board and other supporters of the rule continue to work to educate legislators about the detrimental effects that physician self referral practices have on the public. Given the escalating costs of healthcare that are putting health insurance out of reach for many Alabamians, and the repeated studies showing the increased healthcare costs associated with physician self referral arrangements, it is incumbent upon the Legislature to act on behalf of the public as a whole and not on behalf of a few special interest groups.

John K. Cormier, PT



RULE CHANGES

There are currently two Notices of Intended Action which have been submitted to the Legislative Reference Service for rule changes. These notices are available on our website under RULES & REGS.

One is a new rule 700-X-02-.13 regarding our FEE SCHEDULE; it lists all the fees currently imposed by the Board in the licensing related process.

The second is an amendment to existing rule 700-X-02-.10 regarding RESTORATION OF LICENSE. This amendment clarifies date of license expiration and the date when a restoration (late) fee will be imposed.

N.K. Horner
Executive Director



PLEASE NOTIFY THE BOARD
IF YOU HAVE AN ADDRESS CHANGE

PHONE: 334-242-3603

FAX: 334-242-3288



CONTINUING EDUCATION NEVER ENDS

Just when you heave a sigh of relief that you have completed your continuing education for the year, a new compliance period begins and you're faced with choosing courses that will be advantageous to your therapy. It's a never ending process. Remember that your courses must be pre-approved by the Board; a weekly updated list of pre-approved courses can be found on our website under CONTINUING EDUCATION. If you are interested in a course that you do not find on the pre-approved list, you can fax the title, brief bio of instructors, the time breakdown and the goals and objectives to the Board office, and we'll be happy to review it for approval. Guidelines and requirements for CEUs can be found in the Administrative Code 700-X-2-.09 Renewal of License. A word of advice: Start early and get your credits completed prior to renewal time . . . you'll be glad you did!

KNOW YOUR LAW

As the State of Alabama moves forward with the jurisprudence aspect of the licensure exam, it is worth noting that the laws and regulations concerning a PT's or PTA's actions take precedent over any concern from an employer. The rules are meant to protect the public. An employer has no right to ask you to do something that puts your license in jeopardy. In addition, it is up to you as a licensee in our state to know the rules and regulations so that you are not put into a position of choosing your job versus a possible complaint or action against you. This needs to be kept in mind as the business of therapy continues to change within the state. If there is ever a doubt, the rules and regulations can be found on the state of Alabama's Board of Physical Therapy website. The board can also be contacted if the answer to a question is not readily available.

Andy Gustafson, PT Board Member



NEW BOARD COUNSEL

Olivia Martin, our Assistant Attorney General, offers legal support to the Board in day to day issues presented for review. In essence, she keeps the Board within legal parameters in the decision making processes. She also works with the Board Chair, the investigator, and the Executive Director to handle complaints in the appropriate manner. The Board feels very fortunate to be able to avail themselves of her expertise in the legal realm.

ALABAMA PT BOARD REPRESENTED AT FARB FORUM

The Alabama State Board of Physical Therapy was well represented at the annual Federation of Associations of Regulatory Boards (FARB) Forum in February 2007. The Forum was a three day event attended by Mitzi Tuttle, PTA and Secretary, Ron Bass, Consumer Member and Treasurer, and N.K. Horner, Executive Director.

Several topics of interest were presented and open for interaction by participants at the forum. Some of the topics covered were as follows:

Applications for licensure and Renewal

An Assessment of Applications

- What to ask
- What not to ask
- What to do with the information
 - Board Staff Perspectives
 - Good Moral Character
 - Renewal Applications
 - Information and Audits
 - Question and Answer session

Criminal Background Checks

Outsourcing



How to Run an Efficient Meeting

Dealing with the Media

New Legislation Impacting Regulatory Boards

Recent Examination Issues

Use of Unlicensed Personnel: Practice vs. Assistance

Regulation in the News

The Forum was attended by Regulatory Board members, Executive Directors and Board Attorneys from across the country. Information was effectively presented by professionals from an array of the many Boards represented. A few of these were the Federation of State Boards of Physical Therapy, the International Conference of Funeral Service Examining Boards, the National Council of State Boards of Nursing, the Association of Regulatory Boards of Optometry, the Federation of Chiropractic Licensing Boards, and the Federation of State Massage Therapy Boards. This is an annual event held in a different location each year; the Forum this year was held in San Antonio, Texas.

Respectfully submitted by Mitzi Tuttle, PTA

**ALABAMA BOARD OF PHYSICAL THERAPY
DISCIPLINARY INVESTIGATIONS AND ACTIONS**

The Board has a three-tier system of discipline.

The lowest level of sanction involves the placing of a *letter of admonition* in a licensee's permanent file.

The intermediate level of sanction involves the licensee entering into a *guilty plea agreement* with the Board, either prior to or following a formal or informal hearing. A licensee who pleads guilty may be required to pay a fine, or be subjected to a period of license suspension, or both.

The highest level of sanction involves a finding of guilt after a *formal administrative hearing*. This level of sanction includes a fine and/or license suspension, and may include license revocation.

Disciplinary actions are matters of public record.

In addition to being included in a licensee's permanent file, disciplinary actions are also published in the Board's semi-annual newsletter and to the Healthcare Integrity Protection Data Bank. (HIPDB).

Licensees who either plead guilty, or who are found guilty after either an informal or formal hearing, have their names and the nature of their discipline published in the Board's newsletter and filed with HIPDB.

With a letter of admonition, only the nature of the disciplinary action is published.

In keeping with this policy, the following is a list of the Board's disciplinary actions since the last newsletter:

Allegation: Unprofessional conduct, submitting false claims, filing false reports or falsifying records.

Disposition: Licensee pleaded guilty and was fined \$1,000; license was suspended for 6 months.

<u>Case #</u>	<u>Name</u>
06-09-10	Camile E. Cosper

Allegation: Practicing physical therapy without a current license, caused by failure to timely renew license.

Disposition: Licensee pleaded guilty and was fined \$100.

<u>Case #</u>	<u>Name</u>	<u>Case#</u>	<u>Name</u>
07-02-01	Gloria Rhodes	07-02-22	Laurie Hosea
07-02-02	Bonita Purser	07-02-23	Donna Jean Sengsonk
07-02-03	David May	07-02-24	Ira Lane Blondheim
07-02-04	David Peterson	07-02-25	Robert D. Paul
07-02-05	Thomas D. Evans	07-02-26	Allison W. Folkes
07-02-06	Tyler Garner	07-02-27	Jason Scott Howard
07-02-07	Scott A. Pickett	07-02-28	Ronald P. Erwin
07-02-08	Hyun Sook Fritts	07-02-29	Robert Norris
07-02-09	Monica Shirley	07-02-30	Haley F. Bradshaw
07-02-10	Robert M. Keller	07-02-31	Carrie Barger
07-02-11	Katherine C. Zoghby	07-02-32	Mary Kristi Reaves
07-02-12	Jonathan R. Zecher	07-02-33	Eric C. Dekle
07-02-13	Dedra Brown	07-02-34	Jack M. Harris
07-02-14	Judith Arden	07-02-35	Anthony D. Pritchett
07-02-15	Nicole M. Woods	07-02-36	William Holman
07-02-16	Della R. Clausen	07-02-37	Franco Antonelli
07-02-17	Wendy Hendricks	07-02-38	Jonathan M. Thomas
07-02-18	Chris Lollar	07-02-39	Kaye Ayers
07-02-19	Eddie Adams	07-02-40	Tiffany Kennedy Upchurch
07-02-20	Michael L. Pitts	07-02-41	Bryan Dunbar
07-02-21	Creighton Lawler	07-02-43	Edwin P. Grice

NON-RENEWED PHYSICAL THERAPISTS

JEREMY SCOTT ABRAMSON	14060 BISCAYNE BLVD APT 203, NORTH MIAMI BCH FL
MARTHA MAHON ACUFF	421 WESTMORELAND RD, COLUMBUS GA
MINDY M ADAMS	4415 FLAMINGO ST, METAIRIE LA
STEPHANIE ARDOIN	735 PARK BLVD, BATON ROUGE LA
SUSAN M BAKER	140 TAURUS DR, HARVEST AL
GREGORY S BALL	3112 WELLBORNE DR E, MOBILE AL
KATE A BARTLEY	109 JUSLYN DR, HARVEST AL
LESTER R BAUMGARTEN	4941 DUNECREST DR, COLORADO SPRINGS CO
ANDREW WARD BEACH	6838 ELLIS DR, COLUMBUS GA
TAMSEN L BEASLEY	#6 SHERWOOD RD, ROME GA
CHARLOTTE BELL	1921 CHRISTINE LANE, MADISON WI
GANIYU A BELLO	PO BOX 961672, RIVERDALE GA
CHADDRICK P BIBB	5014 BLAKEMORE DR, OWENS CROSS ROADS AL
MICHAEL P BLAIR	1612 AVE E #11, WISNER NE
KAREN WARNER BLALACK	9012 SUN TREE LANE, GULFPORT MS
E BRUCE BROCK JR	2512 SEA ROBIN RD, PENSACOLA FL
KELLY BOECKMANN BROCKEY	6805 FORSYTHE DR, PANAMA CITY FL
MICHELLE L BRYAN	424 DOLPHIN ST, GULF BREEZE FL
STEVEN DAVID BRYSON	7008 A TAYLOR CROSSING DR, MONTGOMERY AL
HERBERT R CAILLOUET	2816 DOWNING CIR, BIRMINGHAM AL
VIRGINETTA S CANNON	136 ASH DR, MONTGOMERY AL
CLAUDELLE CARRUTHERS	9825 ELLIOT AVE S, BLOOMINGTON MN
LAURA J DRAPER	230 BROOKEIVEY LN, ALPHARETTA GA
JOLANTA H EMANUEL	4097 BURNING TREE DR, DESTIN FL
JOSIE MELISSA EMERSON	2315 B 20TH AVE SOUTH, BIRMINGHAM AL
SANDI SHORE ENTREKIN	520 FORD STREET, DYERSBURG TN
SONJA C EVERS	1364 E STREET SE #2, WASHINGTON DC
JOHN PAUL FALCUS II	27 BRIDLEPATH DR, LINDENHURST IL
WILLIAM A FLORY	904 MONTEREY COURT, DOTHAN AL
ELIZABETH MONK FRIERSON	513 WACKER LANE NORTH, MOBILE AL
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WILLIAM K GRIZZARD	602 CLARK AVE, OCEAN SPRINGS MS
RACHELLE LYN GUNTHER	4003 S BROAD ST #616, SCOTTSBORO AL
BRANDON SCOTT HARCUM	370 OAKLEY DR APT #1318, NASHVILLE TN
DEBRA JEAN HEALY	2701 BERKLEY HILLS DR, TUSCALOOSA AL
DANIEL RALPH HENDERSON	243 MARIBETH LOOP, DEATSVILLE AL
JERRY L HENDRIX	1213 MARKS AVE, BAY MINETTE AL

RACHAEL ANN HINES	3317 N 7TH ST, OCEAN SPRINGS MS
KRISTIN M HINTERSTOCKER	4257 HEATHERSAGE CIR, TUSCALOOSA AL
MARY BETH HOCKETT	10326 TREELINE CT, FISHERS IN
THERESA M HORTON	536 PIEDMONT LAKE RD, PINE MOUNTAIN GA
JAY ROBERT HUHN	10208 PEDRA DO SOL WAY, ELK GROVE CA
KIM R KEIFRIDER	4285 A LINDSEY LN, ORANGE BEACH AL
STARR H KELLOGG	1724 KING CHARLES CT, ALABASTER AL
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DONNA E MARTIN	182 OLD POST OFFICE RD, MAGEE MS
KENNETH C MCCOLLOUGH	94 GREENWOOD CIR, SYLACAUGA AL
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SCOTT CLIFFORD MCINTURFF	3840 JILES RD #1115, KENNESAW GA
MATTHEW W MCLAUGHLIN	2069 FIRE PINK CT, HOOVER AL
AUBRETIA B MEADOWS	3102 ALTALOMA COVE, VESTAVIA HILLS AL
RUPAL MEHTA	1600 GARRETT RD APT E 310, UPPER DARBY PA
AMARILYS PENA MELENDEZ	HC 01 BOX 5002, JUANA DIAZ PR
J ROBERT METZLER	35 KENNEDY DR, ONEONTA AL
JANE W NELSON	3348 SANDHURST RD, BIRMINGHAM AL
ELIZABETH NORTON	306 WILDFOREST DR, BIRMINGHAM AL
DAVID R OATES	2 BLUEBIRD CT, SAVANNAH GA
ADAM C OLSEN	500 UNO LAGO DR APT 403, JUNO BEACH FL
CATHERINE L O'NEIL	143 WOODPECKER PL, RINGGOLD GA
WHITNEY OSBORN	28 SILVER LN, SUNDERLAND MA
AMY M PASTVA	734 MILLSPRING DR, DURHAM NC
MARIA BENVENUTTI PAYNE	952 CHARLESTON ST, MOBILE AL
ROBERT PORCHE	31 CHALSTROM DR, RIVER RIDGE LA
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MISTY B POWELL	2039 CHESTNUT RD, BIRMINGHAM AL
SIMONE PRZEWALLA	6575 N PLYMOUTH DR, LANTANA FL
ANNA L RACELIS	28 MARY K LANE, RANBURN AL
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RACHEL UNANUE ROSE	325 PARADISE LAKE LN, HOOVER AL
DAVID L SCOTT	2283 LINDENWOOD DR, BETTENDORF IA
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ANDREA O STADNIK	6249 PSALMOND RD, MIDLAND GA
CHRISTOPHER JORDAN STAMEY	100 SOYA LN, TONEY AL
COLLEEN STEICHEN	660 OAKMOOR DR, BIRMINGHAM AL
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WILLIAM R THOMAS	PO BOX 2273, RIDGELAND MS
V WAYNE THORPE	1001 SYLMAR AVE SPACE 163, CLOVIS CA
KURT VON AHN	PO BOX 1512, LAMESA TX
PATRICIA WALDNER	1469 MORROW DR, CLEARWATER FL
ANNE D WARD	109 SUMMER GLENN COURT, RICHMOND KY
WALIDAH E WEST	103 TAHOE CIRCLE, HARVEST AL
ASHLEY BOWERS WHITT	638 IDLEWILD CIR #6, BIRMINGHAM AL
CHRISTINE R YOST	25 COTTON CREEK CIRCLE, BLACK MOUNTAIN NC



NON-RENEWED PHYSICAL THERAPIST ASSISTANTS

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COLLEEN J BIDWELL	200 PARMA DRIVE APT R 2, DAPHNE AL
BETTY J BRYANT	10 RIVER RUN CIR, CHILDERSBURG AL
ANNE L BURKHALTER	8234 2ND AVE, LEEDS AL
HEATHER S COLEMAN	279 BOUSMAN CIR, HARDY VA
MELANIE W DANIEL	15 FLORENCE ST, TALLASSEE AL
ABIGAIL Z DELANEY	8503 BROMLEY COURT, ANNANDALE VA
KATHY S DUNN	1008 BROOKRIDGE LN SE, CULLMAN AL
SHAWN ESTES	787 COUNTY RD 112, RANBURNE AL
HEATHER LEIGH EVANS	4709 CALVERT, HUNTSVILLE AL
LAUREN E FORBES	2704 OLD LOONEY MILL RD, BIRMINGHAM AL
CARRIE E GIVENS	1909 BENT TREE CT, MOBILE AL

JOAN E GOODSON	3405 OAKRIDGE DR SW, DECATUR AL
CARRIE J HAGER	2455 WOODFIELD DR, CANTONEMENT FL
JOHN CHAD HARLESS	167 FOX RIDGE DR, GORDO AL
HOLLY AUSTIN HARRIS	1401 SHOALS AVE, SHEFFIELD AL
HAROLD HUGH HERRING JR	1006 SILO LN, ANDERSON SC
LYNN MARIE HILL	1521 OASIS DR # 701, MISSION TX
MARY V HINES	201 BLAKE DR, RIVERSIDE AL
MYRIA L JACOBS	8236 JAKES HILL RD, LAUREL HILL FL
TARA P JOHNSEY	33 ORCHARD HILL RD, FAYETTEVILLE TN
MICHAEL E JOHNSEY	33 ORCHARD HILL RD, FAYETTEVILLE TN
SUMMER L KNOTTS	2415 N 15TH AVE, PENSACOLA FL
SUSAN J LEE	28321 MILLS RD, RED LEVEL AL
JOHN L LEGG	1488 COUNTY RD 350, ENTERPRISE MS
KIMBERLY LEVIN	415 E ST APT 2, ROCK SPRINGS WY
PHILIP C LOUDER JR	5916 PROVOST AVE, MONTGOMERY AL
STACEY STALLINGS MARTIN	105 MARGARET AVE, PETAL MS
SUSAN D MILLER	103 WINDING CREEK DR, MORGANTON NC
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CHRISTY L TEATER	3103 45TH STREET, MERIDIAN MS
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